

### **REMARKS**

Applicants wish to thank the Examiner for the consideration given this case to date. Applicants have now had an opportunity to carefully consider the Examiner's action, and respectfully assert that the claims, as amended, are in condition for allowance. Claim 1 has been amended, incorporating subject matter from the drawings and specification. No new matter has been added. Claims 1-17 and 36-43 are pending.

### **INTERVIEW**

Applicant extends his gratitude for the telephonic interview granted on September 12, 2007. In fulfillment of the requirements of MPEP § 713.04, Applicant reports as follows:

(A) application number;

10/688,785

(B) name of applicants;

Lubart et al.

(C) name of examiner;

Wood, K.

(D) date of interview;

September 12, 2007

(E) type of interview (personal, telephonic, electronic mail or video conference);

Telephonic

(F) name of participant(s) (applicant, attorney, or agent, etc.);

Bryan Jaketic (applicant's attorney)

(G) an indication whether or not an exhibit was shown or a demonstration conducted;

Proposed amendment to claim 1 was discussed

(H) an identification of the claims discussed;

Claims 1, 36, and 39

(I) an identification of the specific prior art discussed;

U.S. Patent No. 6,766,076

(J) an indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.);

Applicant proposed amending claim 1 to clarify the path of travel of light. Applicant also noted that Nakama does not teach the claimed “wave guide structure” of claims 36 and 39. The Examiner tentatively agreed that the proposed amendments would overcome the anticipation rejection based on the Nakama reference, but indicated that further consideration and/or searching may be necessary.

#### **THE EXAMINER’S ACTION**

In the Office Action dated June 15, 2007, the Office:

rejected claims 1-4, 7-8, 36, and 39-40, 42, and 43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,766,076 to *Nakama et al.* (hereafter “*Nakama*”); and

rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Nakama*.

#### **REJECTIONS UNDER 35 U.S.C. § 102(e)**

As discussed in the Examiner Interview, the Applicant has amended claim 1 so that it calls for a system in which light “propagates through the first transparent substrate, between the plurality of wave guide structures.” This amendment is supported by Figure 6 and p. 11, line 28 through p. 12, line 18.

The Examiner agreed that this amendment would distinguish the claim from *Nakama*. The Examiner identified the guide substrate (3) of *Nakama* as a first transparent substrate. In each of the embodiments of *Nakama*, illustrated in Figures 2-6, light propagates through the optical fibers (4) of *Nakama* rather than the guide substrate (3). Therefore, *Nakama* fails to teach a system in which light propagates through the first transparent substrate. For at least this reason, the anticipation rejection of claim 1 and its dependent claims 2-4, 7, 8, and 42 should be withdrawn.

As discussed in the Examiner Interview, the Applicant has chosen to be its own lexicographer with respect to the word “structure.” The specification expressly states, “the term ‘structure’ as used herein refers to the shape of the element refracting or reflecting light.” (Page 6, lines 7-8)

Claim 36 calls for “a plurality of wave guide structures ... extending between and substantially bounded by the first surface and the second surface” of the first substrate. Similarly, claim 39 calls for “a plurality of wave guide structures ... extending between and bounded by the first surface and the second surface” of the first substrate.

In the Office Action, the Examiner identified the adhesive (5) as meeting the claimed “wave guide structure.” In the telephonic interview of September 12, 2007, the Examiner agreed that the adhesive (5) of *Nakama* is not a wave guide structure, as defined in the specification of the present application, because the adhesive (5) cannot be fairly characterized as an “element refracting or reflecting light.”

For at least these reasons, the anticipation rejections of claims 36 and 39 and their dependent claims 40 and 43 should be withdrawn.

#### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 5 and 6 depend from Claim 1. Because *Nakama* fails to teach each and every limitation of claim 1, as described above, this rejection should be withdrawn.

#### **ALLOWABLE SUBJECT MATTER**

Applicants wish to thank the Examiner for recognizing the allowable subject matter of claims 7-17. Because claims 1-6 and 36-43 are allowable for at least the above stated reasons, Applicants believe claims 1-17 and 36-43 are in condition for allowance.

### **CONCLUSION**

Applicant, intending to be completely responsive, believes that the remarks presented above resolve all outstanding issues on the above-referenced application. Accordingly, the application is believed to be in condition for allowance. Early notice thereof is earnestly solicited. Applicant appreciates the Examiner's attention to this matter. If additional fees are due, please charge any additional fees or credit any overpayments to Deposit Account **02-2051** designating Docket No. **29808-12**.

Respectfully submitted,

DATED: September 14, 2007

By:

  
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Bryan J. Jaketic

Registration No. 56,280

**BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF, LLP**

2300 BP Tower

200 Public Square

Cleveland, OH 44114-2378

(216) 363-4478